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DISCLAIMER: This report has been prepared by the USDA/Foreign Agricultural Service for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their Belgian customer (importer), who is normally best equipped to research such matters with local authorities, before any goods are shipped. Final import approval of any product is subject to the importing country's rules and regulations as interpreted by border officials at the time of product entry.

Section I. Food Laws

Harmonization within the EU

http://www.useu.be/agri/harmonization.html Belgium, as a member of the EU, conforms to all EU regulations and directives. We therefore recommend that this report is read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) report produced by the US Mission to the EU in Brussels,

Belgium – GAIN Report E47056

Regulation 2002/178/EC, called "The General Food Law", is the harmonized regulation which sets out the general principles and requirements of EU harmonized food law. Exporters should be aware that there may also be some variation among Member States in applying EU harmonized legislation: there may be temporary waivers or exemptions and in certain cases there may be room for interpretation of EU harmonized legislation or aspects which are not regulated in detail at EU level may be handled differently in different member states.

The Belgian Food and Drugs Law is called "de Wet betreffende de bescherming van de gezondheid van de gebruikers op het stuk van de voedingsmiddelen en andere produkten". This law from 1977 provides the Belgian regulatory framework for all food products. It is applicable to domestically produced and imported food and other products including tobacco and cosmetic products. The main objectives of this law are (1) health protection, (2) product safety (3) ensuring that consumers have adequate and correct information and (4) promotion of fair trade. All amendments and supplementary food laws are published in "Het Belgisch Staatsblad/Le Moniteur Belge", which can be consulted on www.staatsblad.be or www.moniteur.be.

The Directorate-General for Control of the Belgian "Federal Agency for the Safety of the Food Chain" (FAVV) (www.favv.be) has responsibility for food controls. Both veterinary inspection and food inspection are within the domain of FAVV. The Federal Public Service Health, Food Chain Safety and Environment (www.health.fgov.be) is in charge of policy and legislation on food issues. The FAVV and the Federal Public Service fall both under the responsibility of the Minister of Public Health.

Federal Agency for the Safety of the Food Chain

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Section II. Labeling Requirements

Α **General Requirements**

1. Scope of Labeling Law http://www.useu.be/agri/label.html General rules on the labeling, presentation and advertising of foodstuffs marketed in the EU are laid down in the Directive 2000/13/EC. This directive consolidates general labeling directive 79/112/EEC and all its amendments in a single text. An overview of the EU labeling requirements is given on: http://europa.eu.int/scadplus/leg/en/lvb/l21090.htm

In Belgium, the labeling requirements have been laid down in the Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen* of September, 13 1999. This Royal Decree can be found at www.staatsblad.be or www.moniteur.be.

1.1. Generic Conditions

http://www.useu.be/agri/label.html

The Belgian labeling requirements apply to food products at the time when they are for sale for consumers. In practice, this includes food retail and parts of the food service industry (institutional catering). The labeling requirements for food products sold to the food processing industry and remaining parts of the food service industry (no direct contact with the consumer) are highlighted in Section II, 6.

1.2. The Description

http://www.useu.be/agri/label.html

The description of the food product is the name under which it is sold. It has to ensure that the buyer understands the nature of the product and its composition. Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 3

1.3. Listings

Ingredients

http://www.useu.be/agri/label.html

The list of ingredients is given, in descending order of weight. Important derogations include compound ingredients, added water/concentrated foods, cheese (see art. 6 of 2000/13/EC). The following ingredients require a specific statement on the label: <u>GMO's</u>, packaging gases (Directive 1994/54/EC) / sweeteners / quinine & caffeine (<u>Directive 2002/67/EC</u>). Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4*

Additives

- Annex II to the labeling directive lists the categories of additives, which must be designated by the name of their category followed by their specific name or EEC number. The categories are the following: color, preservative, anti-oxidant, emulsifier, thickener, gelling agent, stabilizer, flavor enhancer, acid, acidity regulator, anti-caking agent, modified starch, sweetener, raising agent, anti-foaming agent, glazing agent, emulsifying salts, flour treatment agent, firming agent, humectant, bulking agent, propellant gas.
- Flavorings: Annex III to the labeling directive describes the way of designating flavorings in the list of ingredients.
- The presence of sweeteners/aspartame/polyols requires standardized statements on the label; packaging gases are not considered as additive but also require a standardized statement.

Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4

Net Quantity

http://www.useu.be/agri/label.html - Weight

The net quantity of prepackaged foodstuffs is expressed in metric units (liter, centiliter, milliliter, kilogram or gram). Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 8

Other Listings

http://www.useu.be/agri/label.html

- Allergen labeling:

New food allergen labeling rules were introduced by Directive 2003/89/EC and entered into force on November 25, 2005. Under this directive, the following 12 groups of potential allergenic ingredients must be indicated on food labels: cereals containing gluten, crustaceans, eggs, fish, peanuts, soybeans, milk and dairy products (including lactose), nuts and nut products, sesame seeds and sulphite at concentrations of at least 10 mg per kg or 10 mg/l, celery, and mustard. Directive 2006/142/EC which will enter into force on December 23, 2008, adds "lupin and products therof" and "mollusks and products thereof" to the list of allergenic ingredients. Allergen labeling also applies to alcoholic beverages. GAIN Report E36066 lists the different languages that the EU member states will accept for the purpose of allergen labeling of wine. Guidelines for the implementation of the new allergen labeling rules are available on the Commission's website at: http://europa.eu.int/comm/food/food/labellingnutrition/foodlabelling/quidelines_6_10.pdf. For more information on the implementation of the allergen labeling rules see **GAIN Report** E35196.

- Irradiated Products:
- http://www.useu.be/agri/irradiation.html Harmonization of EU rules on food irradiation is still at an initial stage and U.S. exporters of irradiated foodstuffs should check individual EU Member State legislation for compliance. In Belgium this is governed by Royal Decree of 03/12/2002. If the product or product ingredient has been irradiated, this must be stated by mentioning the Dutch word(s) "doorstraald", "door straling behandeld" or "met ioniserende straling behandeld" or the French words "traité par rayonnements ionisants" or "traité par ionisation". Royal Decree: Koninklijk besluit betreffende de behandeling van voedsel en voedselingrediënten met ioniserende straling en tot wijziging van het koninklijk besluit van 20 juli 2001 houdende algemeen reglement op de bescherming van de bevolking, van de werknemers en het leefmilieu tegen het gevaar van de ioniserende stralingen.
- Quantitative Ingredients Declaration (QUID): http://www.useu.be/agri/label.html QUID Quantitative ingredients declaration is laid down in Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 5
- Instruction for storage and/or use: http://www.useu.be/agri/label.html Any special storage conditions or conditions of use must be supplied if there is a risk for incorrect storage or use. Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 5 and 7
- Name and Address: http://www.useu.be/agri/label.html The business name and address of the manufacturer, packager or vendor established within the Community must be presented. Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 6
- Percentage of Alcohol: http://www.useu.be/agri/label.html For beverages containing more than 1.2% alcohol by volume, the alcohol percentage has to be mentioned, "alcohol"/"alc." or "% vol." It is advisable to mention the percentage of alcohol in other food products as well. Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 9
- Lot Marking: http://www.useu.be/agri/label.html Council Directive 89/396/EEC, converted in Belgian law by Royal Decree of 02/09/1990, requires that foodstuffs carry a mark identifying the lot to which a foodstuff belongs. Royal Decree: Koninklijk besluit betreffende de vermelding van de partij waartoe een voedingsmiddel behoort, art 4

- Frozen: http://www.useu.be/aqri/frozen.html

If the product is frozen and should be stored in a freezer, the word "diepvries"/"surgelé"/"tiefgefroren" or "Tiefkühlkost" should be mentioned near the product name/designation (this doesn't apply to ice cream products). Additionally, it must mention for what period, at what temperature or in what installation the end user can store the frozen product. Finally, it must be mentioned that thawed products may not be frozen again: "na ontdooiing niet opnieuw invriezen"/"ne pas recongeler après décongélation. Royal Decree: Koninklijk besluit betreffende diepvriesprodukten.

- Sweeteners: http://www.useu.be/agri/label.html

The use of artificial sweeteners must be mentioned near the product name/designation by the words "met zoetstoffen"/"avec édulcurants". If a combination of sugars and sweeteners has been added, the words "met suikers en zoetstoffen"/"avec sucre et édulcurants" must be mentioned near the product description. Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art.* 5

- Packaged in a Protective Atmosphere: http://www.useu.be/agri/label.html
For foodstuffs whose durability has been extended by means of packaging gases (in conformity with EC council directive 89/107), the words "verpakt onder beschermende atmosfeer" / "conditionné sous atmosphère protectrice" must be included on the label. Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, bijlage 3

Biotech Food and Feed: http://www.useu.be/agri/GMOs.html
Since April 18, 2004, genetically modified food and feed must be labeled according 2003/1829/EC and 2003/1830/EC.

The breakdown in the EU's approval process for products made from modern biotechnology has blocked most U.S. exports of corn and hinders trade in other products. Food processors and exporters are either reformulating or seeking non-biotech sources. Problems exist for both approved products and products currently undergoing the approval process. For more information on Biotechnology, or download the Belgium – Luxembourg Biotechnology Report, <u>GAIN Report BE6008</u>.

- Beef labeling: http://www.useu.be/agri/label.html

- Egg labeling: http://www.useu.be/agri/label.html

- Glycyrrhizinic acid and its ammonium salt: http://www.useu.be/agri/label.html

- Phytosterols & Phytostanols: http://www.useu.be/agri/label.html

- Quinine and Caffeine: http://www.useu.be/agri/label.html

- Weight/Volume Indication: http://www.useu.be/agri/label.html

- Infant and follow-on formula, cereal-based baby and infants foods, meal replacers for use in energy-restricted diets, medical foods: http://www.useu.be/agri/partnutr.html
- Cocoa and chocolate products, sugars, honey, fruit juices and similar products, preserved milk, coffee extracts and chicory extracts, fruit jam, jellies, marmalades and chestnut puree: http://www.useu.be/agri/vertic.html

Note: the use of the EAN (European Article Numbering) product coding system is not regulated by EU law. However, this bar code system is commonly used in the EU to fulfill the traceability requirement, which became mandatory on January 1, 2005 (See also GAIN 35112).

1.4. Placing of descriptions and listings http://useu.be/agri/label.html

Description and listings have to be placed in such a way they are clearly visible and easily read. Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 10

2. Specify Languages

http://useu.be/agri/label.html

In Belgium, language issues have been very sensitive for many decades. This sensitivity is reflected in the language requirements for labeling of food and products. French language on labels is required in the Walloon area, Dutch language is required in the Flemish area and some German language requirements exist for the small German-speaking community. In the bi-lingual Brussels area, both Dutch and French are required on labels. Considering how small the market is, most food companies only use bi-lingual Dutch/French or tri-lingual Dutch/French/German labels. OAA strongly recommends that U.S. exporters adopt the latter option, as it will allow for products to be marketed in Belgium, Luxembourg, The Netherlands, France, Germany and Austria. Royal Decree: Wet betreffende de bescherming van de gezondheid van de gebruikers op het stuk van de voedingsmiddelen en andere produkten, art. 8 and Wet betreffende de handelspraktijken en de voorlichting en bescherming van de consument, art. 13.

3. Standard U.S. Label

http://useu.be/agri/label.html

The standard U.S. label fails to comply with EU and Belgian labeling requirements.

4. Stick-on labels

EU legislation does not contain any reference to the use of stick-on labels. Stick-on labels, in addition to the standard U.S. label, can be used. In this case, the stick-on label shall meet all Belgian labeling requirements. They can be applied prior to export or applied in Belgium before sale. Health marks on veterinary products, including the EU factory approval number, can only be applied in the place of manufacturing. Royal Decree: *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art 10, paragraph 1*

5. Enforcement of labeling regulations http://useu.be/agri/label.html
Food products have to be labeled correctly before being sold to the end consumer. Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 14 and 15

6.1 Sample-size products

http://useu.be/agri/label.html

For sample-size products the same labeling requirements apply.

6.2 Institutional packed products

http://useu.be/agri/label.html

For food products that are for the food service industry (except catering) product packaging does not necessarily have to comply fully with standard labeling requirements. Purchased quantity (i.e. pallet, box, etc) must include the following information: a. the name, b. information on the producer, packer or vendor and c. the shelf live. Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2 and art. 10, paragraph 2

7. Claims

http://useu.be/agri/label.html

On July 1, 2007, a new regulation on nutrition and health claims entered into force. Regulation 1924/2006 sets EU-wide conditions for the use of nutrition claims such as "low

fat" or "high in vitamin C" and health claims such as "helps lower cholesterol". See <u>GAIN</u> Report <u>E47056</u>. For the approval of health claims and claims on the nutritional value of the product, U.S. exporters and/or Belgian importers can send the text (health claim on the label or in advertising messages) to:

FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu Directoraat-generaal Organisatie Gezondheidszorgvoorzieningen Victor Hortaplein, 40 bus 10 B-1060 Brussel

Tel: +32 (0)2 524 85 02

E-mail: christiaan.decoster@health.fgov.be
http://www.health.fgov.be/vesalius/devnew/NL/

On June 28, 2007, the European Commission published a proposal to amend Regulation 1924/2006. As claims referring to children's development and health were already used before the adoption of Regulation 1924/2006, the proposal provides for a three-year transitional period to allow industry to adapt to the new rules, either by phasing out products which do not meet the new criteria or by applying for claim authorization. See <u>GAIN Report</u> E47056.

8. (1) Shelf-life or (2) Country-of-origin requirements

(1) Date of Minimum Shelf-life/Last day of consumption

If the date is influenced by the method of storage, the prescribed way of storage has to be mentioned on the label. The statements to be used are the following:

Minimum Durability:		
Tenminste houdbaar tot:	Day, Month, (Year)	
A consommer de préférence avant le	For a shelf-life up to 3 month after the date of production	
Tenminste houdbaar tot einde:	Month, year	
A consommer de préférence avant fin:	For a shelf-life between 3 and 18 months	
Tenminste houdbaar tot einde:	Year	
A consommer de préférence avant fin:	For a shelf-life longer than 18 months	
Use by Date:		
Te gebruiken tot:	Day, Month, (Year)	
A consommer jusqu'au	In addition to the date, the instructions for	
	storage have to be mentioned as well	

Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 6 and art. 7

(2) Place of Origin

The place of origin must be mentioned, for example as "Geproduceerd in de USA" / "Produit aux Etats-Unis". Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 10

9. Exception to Labeling

Only the Minister of Agriculture can grant an exception to the labeling regulations (i.e. containers of food to be processed, labeled or repacked). The granting of an exception would be very rare.

B Requirements Specific To Nutritional Labeling

Nutritional Labeling Requirements http://www.useu.be/agri/label.html#Nutrition

Nutrition labeling rules are laid down in <u>Council Directive 1990/496/EC</u>. Nutrition labeling is not mandatory in the EU unless a nutrition claim is made on the label or in advertising messages. Royal Decree: *Koninklijk besluit betreffende voedingsmiddelen bestemd voor bijzondere voeding*

Nutrient Content Claims http://www.useu.be/agri/partnutr.html

A "nutritional claim" means any representation or advertising that claims a foodstuff has particular nutritional properties, and is only allowed if it relates to the energy value and/or nutrients referred to above. There are no provisions concerning nutritional claims on an EU level. Belgian provisions are formulated in Royal Decree of 02/18/1991, as amended, concerning the following claims:

- Low energy value (energy content must not exceed 50kJ (12kcal) per 100g (100ml))
- High protein content (at least 10% for beverages and at least 60% for solid foods)
- Gluten free (produced from gluten free grains or cereals from which gluten were extracted)
- Reduced sodium/salt (depending on the product)
- Dietetic hypocaloric foods (substitution meals)

Royal Decree: Koninklijk besluit betreffende voedingsmiddelen bestemd voor bijzondere voeding

A new regulation on the use of nutrition claims has been proposed by the Commission and adoption is expected in September/October 2006. For more information on the proposed EU rules on nutrition claims see GAIN Report E36086.

Health Claims

Medical claims, attributing to a foodstuff the property of preventing, treating or curing human diseases, are explicitly prohibited in the EU general labeling directive.

Royal Decree: Koninklijk besluit betreffende de reclame voor voedingsmiddelen, art. 4

The EC is preparing new legislation for the use of health claims in the EU. For the approval of health claims and claims on the nutritional value of the product, U.S. exporters and/or Belgian importers can send the text (health claim on the label or in advertising messages) to FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu Directoraat-generaal Organisatie Gezondheidszorgvoorzieningen

Victor Hortaplein, 40 bus 10

B-1060 Brussel

Phone: +32 (0)2 524 85 02

E-mail: christiaan.decoster@health.fgov.be
http://www.health.fgov.be/vesalius/devnew/NL/

C. Product Specific Labeling

See Section VII

Section III. Packaging and Container Requirements

Container Content

http://www.useu.be/agri/packaging.html

Council Directive 76/211/EEC provides rules for container sizes, acceptable tolerances on container content and requirements for the size of the figures indicating container content. The Royal Decree of 12/28/1979 implements Council Directive 76/211/EEC into Belgian law.

Royal Decree: Koninklijk besluit betreffende het voorverpakken naar gewicht of naar volume van bepaalde produkten in voorverpakkingen.

The Royal Decree of 06/15/2004, implementing Council Directive 80/232/EEC, prescribes allowable container sizes for butter, fresh cheeses, salt, sugar, breakfast cereals, pasta, rice, dried fruits and vegetables, coffee, frozen fruits and vegetables, fish fillets, fish fingers, ice-cream, preserved fruits and vegetables and products sold in metal containers. Royal Decree: Koninklijk besluit betreffende de voor bepaalde voorverpakte produkten toegestane reeksen van nominale hoeveelheden en nominale capaciteiten.

Materials in contact with foodstuffs

http://www.useu.be/agri/packaging.html European Parliament and Council Regulation 1935/2004 specifies the main requirements for materials that come into contact with foodstuffs, including active and intelligent packaging. This new regulation entered into force on November 16, 2004 (except for the provisions on traceability which will apply from October 27, 2006) and repeals and replaces Directives 80/590/EEC and 89/109/EEC. The above EU legislation has been converted in Belgian law,

- Royal Decree: Koninklijk besluit betreffende mineralen en voorwerpen bestemd om met voedingsmiddelen in aanraking te komen;
- Royal Decree: Koninklijk besluit betreffende materialen en voorwerpen van kunststof bestemd om met voedingsmiddelen in aanraking te komen;

It also sets out labeling & traceability requirements and the procedure for the authorization of substances through the European Food Safety Authority. Additional requirements will be proposed in specific measures and will include positive lists of authorized substances and/or materials. Annex I to regulation 1935/2004 lists the group of materials for which specific measures may be adopted. To date, specific directives have been developed for plastics, regenerated cellulose film, ceramics. In the case of ceramics, migration limits have been established for two of their constituents, namely lead and cadmium. Materials must bear an indication "for food contact" or the symbol reproduced in Annex II to Regulation 1935/2004. Exporters are advised to verify if a Member State follows EU provisions as Member States are allowed to authorize provisionally the use of certain substances not listed in one of the specific directives. They may also restrict or temporarily prohibit the use of certain materials authorized by the specific directives for reasons of public health.

Packaging waste management

http://www.useu.be/agri/packaging.html

Member States are required to take measures to limit packaging waste and must introduce systems for reuse, recovery and recycling of packaging materials (Council Directive 94/62/EC). Commission Decision 2001/524/EC relates to the publication of references for certain EN standards in the Official Journal which do not fully meet the essential requirements of Directive 94/62/EC. To facilitate collection, reuse and recovery including recycling, an identification system for packaging has been drawn up (Commission Decision 97/129/EC). Its use is voluntary.

Section IV. Food Additive Regulations

Additives

see below:

http://www.useu.be/agri/additive.html

European Council Directive 89/107/EEC provides for the establishment of EU harmonized positive lists of authorized food additives. All additives not included on these positive lists are prohibited except for new food additives that receive a temporary authorization by Member States. This directive was converted in Belgian law by Royal Decree of 03/12/1991.

Royal Decree: Koninklijk besluit betreffende de toevoegsels die in voedingsmiddelen mogen aebruikt worden.

These lists of authorized food additives and approved conditions for their use, are published in three directives:

Sweeteners http://www.useu.be/agri/additive.html

European Parliament and Council Directive 94/35/EC governs the use of sweeteners in foodstuffs. This directive was converted in Belgian law by Royal Decree of 02/17/1997. Royal Decree: Koninklijk besluit betreffende zoetstoffen die in voedingsmiddelen mogen worden gebruikt.

http://www.useu.be/agri/additive.html Colors

European Parliament and Council Directive 94/36/Ecgoverns the use of colors in foodstuffs. This directive was converted into Belgian law by Royal Decree of 10/09/1996. Royal Decree: Koninklijk besluit betreffende kleurstoffen de in voedingsmiddelen mogen worden gebruikt.

Miscellaneous additives

http://www.useu.be/agri/additive.html European Parliament and Council Directive 95/2/EC, last amended by Directive 2003/114/EC, the so-called miscellaneous additives directive on food additives other than colors and sweeteners. This directive was converted into Belgian law by Royal Decree of 03/01/1998. Royal Decree: Koninklijk besluit betreffende in voedingsmiddelen toegelaten toevoegsels met uitzondering van kleurstoffen en zoetstoffen.

Feed Additive Regulations

http://www.useu.be/agri/feed.html

European Parliament and Council Regulation 2003/1831/EC, imposed on October 18, 2004, regulates the use of additives in animal nutrition. It sets out rules for the authorization, marketing and labeling of feed additives. This regulation also completes the ban on antibiotic growth promoters in feed by prohibiting the use of four antibiotic substances as of January 1, 2006.

Labeling requirements for additives http://www.useu.be/agri/additive.html#Labeling See Annex II and Annex III of the general labeling directive. Regulation 1829/2003 repeals Commission Regulation 50/2000 which provided specific labeling requirements for food and food ingredients containing additives and/or flavorings that have been genetically modified or have been produced from GMO's.

The addition of a new food additive to the EU positive list is a lengthy process. However, any Member State can allow the domestic use of a new food additive on their territory for a twoyear period. To request two-year authorization for marketing of a new additive, contact:

Mrs. Christine Vinckx Federal Public Service of Public Health DG Animal, Plant and Food State Administrative Center Arcaden Building 3rd -6th floor B-1010 Brussels Tel: +32-(0)2-104837

e-mail: apf.food@health.fgov.be

Royal Decree: Koninklijk besluit tot vaststelling van de procedure voor inschrijving op de lijsten van toevoegsels en van contaminanten alsmede voor wijzigingen van diezelfde lijsten.

Processing Aids

A list of extraction solvents allowed in the production of foodstuffs and food ingredients, along with their conditions of use has been established in Council Directive 88/344/EC.

Flavorings

In July 2006, the European Commission tabled a package of four legislative proposals which would upgrade the current rules for additives and flavorings, introduce harmonized EU legislation on food enzymes and introduce a single common procedure for the approval of food additives, flavorings and enzymes. The proposal on food additives would bring the current directives (framework, colors, sweeteners and miscellaneous) into one regulation. For more information see GAIN report E36113.

Section V. Pesticide and Other Contaminants

The legislation on pesticides and contaminants is partially harmonized in the EU. Enforcement of both EU and remaining Member State rules is done at the Member State level.

Pesticides

http://useu.usmission.gov/agri/pesticides.html

Council Directive 91/414/EEC on the placing of plant protection products on the market sets out rules for the registration of a new pesticide active substance, including the establishment of maximum residue levels (MRLs). Pesticides that were already on the EU market when Directive 91/414 was adopted are undergoing a review. For each active substance, the status of the EU review process can be checked online. The currently ongoing legislative initiatives in the area of pesticides are resulting in a drastic reduction of the number of active substances and MRL's are being harmonized throughout the EU.

Current maximum residue legislation

Current EU pesticide MRL legislation is based on the following directives: <u>Council Directive</u> 86/362/EEC establishing MRLs for pesticides in cereals and cereal products, <u>Council Directive</u> 86/363/EEC establishing MRLs for pesticides in products of animal origin and <u>Council Directive</u> 90/642/EEC establishing MRLs for pesticides in products of plant origin, including fruits and vegetables. Pesticide MRLs for processed or composite products are based on the MRLs for the raw agricultural ingredients. Harmonized sampling plans have been developed for the official control of residues (<u>Commission Directive</u> 2002/63/EC).

EU pesticide legislation has not been fully harmonized yet and is still under review. Community MRLs take into account the work done by Codex Alimentarius and by the OECD but exceptions exist. Certain pesticides for which no harmonized MRL has been established are covered by Member State legislation. A list of contact points in the Member States, the European Commission and the European Food Safety Authority (EFSA) is available at http://ec.europa.eu/food/plant/protection/evaluation/contact_points.xls.

If there is no EU legislation in place but there is a national MRL for a specific pesticide/commodity combination in the importing Member State and the product being imported into that country conforms with it, then the product can be marketed in that country. For Belgium, the MRL's for the various horticulture and arable crop products are updated continuously and can be found on http://www.fytoweb.fgov.be.

The framework for the Belgian pesticide legislation was established by Royal Decree of 03/13/2000. Koninklijk besluit tot vaststelling van de maximumgehalten aan residuen van bestrijdingsmiddelen toegelaten in en op voedingsmiddelen.

For more information on the new EU maximum residue legislation please check (http://www.useu.be/agri/pesticides.html)

B. Contaminants

http://useu.usmission.gov/agri/contaminants.html

EU wide harmonized maximum levels for contaminants are set in the Annex of Commission

Regulation 1881/2006. The new regulation entered into force on March 1, 2007 and repeals

Commission Regulation 466/2001. Annex I of Regulation 1881/2006 includes maximum

levels for nitrates, mycotoxins, heavy metals, dioxin, 3-MCPD and polycyclic aromatic
hydrocarbons (PAH) in foodstuffs. The sampling and analysis methods for official controls of
mycotoxins have been consolidated in the Commission Regulation 401/2006.

Section VI. Other Regulations and Requirements

A. Product Inspection and Registration

Member States are responsible for carrying out inspections on a regular basis and in cases where non-compliance is suspected. Products can be checked at import or at all further stages of marketing. Infringements of EU food and feed legislation are reported through the Rapid Alert System on Food and Feeds (RASFF). The rapid alert system is a network of Member State authorities managed by the European Commission. The weekly reports of the notifications under the rapid alert are available on the European Commission's website (http://ec.europa.eu/food/food/rapidalert/index_en.htm). The information published on the website is limited to the notifying country, the reason for notifying and the country of origin. Repeated non-compliance may lead to suspension of imports or special import conditions for products from the third country concerned, applicable on the entire EU territory. For more information please view the FAIRS report produced by USEU (E47056).

B. Certification and Documentation Requirements

1. Plant products

http://www.useu.be/agri/plantcertif.html

Phytosanitary certificates are required under the EU's <u>Plant Health Directive 2000/29/EC</u>. Imports of fresh fruits and vegetables and unprocessed nuts must be accompanied by a U.S. Department of Agriculture phytosanitary certificate or PPQ577, issued by an official Animal and Plant Health Inspection Service (APHIS) inspector. The certificate is used to certify that the commodities have been inspected and that they comply with the importing country's phytosanitary regulations. For more information see www.aphis.usda.gov/ppq/pim/exports/certificates&forms.htm

ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)

PPQ

Export Certification Unit Port Operations Staff Simon Bolivarlaan 30

4700 River Road Unit 140 Riverdale MD 20737-1236 Phone: +1-(301)-7348453

Fax: +1-(301)-7345786

FEDERAL AGENCY FOR THE SAFETY OF THE

FOOD CHAIN

WTC III, 2de verdieping Simon Bolivarlaan 30 B-1000 Brussels

Belgium

Tel.: +32-(0)2-2083411 Fax: +32-(0)2-2083337 E-mail: Info@favv.be

www.favv.be

2. Certification of Animal Products

http://www.useu.be/agri/certific ation.html

Animal products imported into the EU or transiting through the EU need to be accompanied by a veterinary certificate. EU harmonized health certificates are mandatory for meat, poultry, dairy, eggs, gelatin and seafood.

The European Community is well advanced in the process of harmonizing legislation on imports of animal products. This is a three-stage process that starts with the recognition of a country to export a certain animal product. The U.S. is recognized by the EU for all animal products. However, as a result of the EU's hormone ban and the rejection of chlorine as an anti-microbial treatment, U.S. exports of hormone beef and poultry to the EU have been blocked. For more information see http://useu.usmission.gov/agri/pltryexp.html.

In a second stage, lists of EU approved establishments are drawn up in recognized countries. Various U.S. agencies, including FSIS, APHIS, AMS, and FDA are involved in the listing process. Contact information for the agencies issuing export certificates is available from the website of the U.S. Mission to the EU: http://useu.usmission.gov/agri/estab.html or from the certificates report, GAIN Report BE5009, for non-harmonized certificates. Establishments are subject to occasional EU audits after listing. Exporters should be aware that getting a plant listed can take several months. Lists can be accessed through http://useu.usmission.gov/agri/estab.html. At present, the following food products must come from an EU-approved establishment: red meat, meat products, farmed & wild game meat, ratites, animal casings, milk & milk products, fish & fishery products and gelatin.

An importer must give at least 24 hours notice of intent to import animal products to the competent Member State authority and to the Border Inspection Post (BIPs) at the port or airport of entry. The list of EU Border Inspection Posts can be found on our website at http://useu.usmission.gov/agri/borderposts.html.

3. Processed foods with animal product

All animal products imported into the EU need animal or public health certification. For processed foods containing animal product, the situation is more complicated because there is no legislation specifying the percentage of dairy, egg, red meat or poultry meat that a foodstuff must contain to necessitate certification. As such, the import rules in different EU Member States may slightly differ and it is best to check the documentation requirements with the importer. In principle, products containing any amount of red meat or poultry meat must be certified. Certification of products containing egg products or dairy products depends on the composition of the product. In the past, the Commission has advised that as a rough guideline, foodstuffs containing more than 50 percent egg/dairy products should need the corresponding certificate. Again, implementation of this requirement is likely to be different in the Member states.

Although there are no harmonized EU certificates for processed foods such as canned vegetables, soup broths, etc., EU member states often require that shipments be accompanied by a certificate signed by U.S. officials. Exporters should check with their importer or with the Office of Agricultural Affairs in the importing Member State which documentation is required.

4. Seafood Products

Exporting countries must have a competent authority that is responsible for official controls throughout the production chain. Imports of seafood into the EU are subject to official certification based on the EU's recognition of the third country's competent authority. In the U.S., both the Food and Drug Administration and the National Oceanic & Atmospheric Administration (National Marine Fisheries Service) have the authority to issue health certificates. The National Oceanic & Atmospheric Administration (National Marine Fisheries Service) and the Animal & Plant Health Inspection Service have the authority to issue animal health certificates. More Information on the certificates can be found on http://useu.usmission.gov/agri/seafood2.html#Certification and

http://www.nmfs.noaa.gov/sfa/PartnershipsCommunications/tradecommercial/documents/eu contents.pdf

5. Processed fruit and vegetable products

For processed fruit and vegetable products, APHIS issues export certificates. Imports of fruits and vegetables also need to meet the marketing standards for fruit and vegetables as listed in Council Regulation 2200/96. Council Regulation 1148/2001 describes trading standards and controls.

6. Other Processed Products

http://www.useu.be/agri/foodcertif.html

Documentation requirements and import regulations for other processed food products will depend on ingredients. In general, Council Directive 93/43/EEC laying down the rules of hygiene for foodstuffs further supplements Council Directive 89/397/EEC. See http://www.useu.be/agri/hygiene.html.

Some food products, including cocoa and chocolate, coffee and chicoree extracts, sugars, honey, fruit juices and similar products, fruit jam, jellies and marmalades, are subject to "vertical legislation". For these food categories, more information is available at the FAS/USEU webpage http://www.useu.be/agri/vertic.html.

For further info on Belgian import certification requirements, please contact:

Federal Agency for the Safety of the Food Chain (FAVV-AFSCA)

WTC III – 2nd floor Simon Bolivarlaan 30 B-1000 Brussels

Tel. +32-(0)2-2083411 Fax +32-(0)2-2083866 E-mail: <u>info@favv.be</u> www.favv.be

EUREPGAP

http://www.useu.be/agri/plantcertif.html

Several Belgian retail and foodservice organizations, like Delhaize, request EUREPGAP certification from their suppliers of fresh fruits and vegetables. Currently there are discussions to introduce EUREPGAP certifications for suppliers of meat, seafood, eggs and diary products as well. For more information see www.eurep.org.

Feed Materials - Good Manufacturing Practice

In Belgium, foreign suppliers of feed ingredients must adhere to the Good Manufacturing Practice. It should be noted that the GMP is not imposed by the Belgian Government and therefore not legally required. In Belgium, the GMP was imposed by the Belgian Association of Compound Feed Producers (Bemefa). Currently, most of the U.S. suppliers of feed materials are GMP certified. For more information about the GMP program see; http://www.ovocom.be or for information in the English language the Dutch website http://www.pdv.nl/index_eng.php.

Almonds

Amending Commission Decision 2006/504/EC as of September 1, 2007 will lead to checking five percent of the consignments of U.S. almonds that are covered by the Voluntary Aflatoxin Sampling Program (VASP). Each consignment of almonds not covered by the VASP will continue to be subject to 100% document check.

Section VII. Other Specific Standards

A. Genetically Modified Foods

http://www.useu.be/agri/GMOs.html

On April 18, 2004, the EU implemented the regulations on "Genetically Modified Food and Feed" (European Parliament and Council Regulation 1829/2003) and "Traceability and Labeling of Genetically Modified Organisms and the Traceability of Food and Feed Products produced from Genetically Modified Organisms" (European Parliament and Council Regulation 1830/2003). The new regulations set up an EU system to trace GMOs, introduce the labeling of GM feed, reinforce the existing labeling rules for GM food and establish an authorization procedure for GMOs in food and feed and their deliberate release into the environment. In Belgium, the Biosafety Council (http://www.biosafety.be/) is in charge of evaluating new biotech applications and to advise the Minister of Public Health and Consumer Affairs on new approvals. Please visit http://www.useu.be/agri/GMOs.html for more information on Biotechnology, or download the Belgium – Luxembourg Biotechnology Report, GAIN Report BE6008.

As a result of the presence of the GMO LL601 in U.S. rice shipments, the EC imposed specific import requirements on November 6, 2006. The measures, laid down in Decision 2006/754, require that U.S rice shipments must be accompanied by an analytical report confirming that the products do not contain LL601. In addition, at the point of entry, official sampling and analysis must be carried out before the product is placed on the market.

B. Novel Foods

http://www.useu.be/agri/novelfood.html

The <u>Novel Food Regulation (European Parliament and Council Regulation 258/97)</u> lays down detailed rules for the authorization of novel foods and novel food ingredients. It defines novel foods as foods and food ingredients that were not used to a significant degree in the EU before May 15, 1997, which fall into the following specific categories:

- with a new, intentionally modified, primary molecular structure, or
- consisting of or isolated from plants or animals, except for foods and food ingredients obtained by traditional propagating or breeding practices with a history of safe use, or
- To which a production process not currently used has been applied, where that process changes the composition or structure of the food or food ingredient significantly

C. Dietetic or Special Use Foods

http://www.useu.be/agri/partnutr.html

Ministerial Decree of 03/21/2002 converted Commission Directive 2001/15/EC into Belgian law. This directive, which supplements the framework Council Directive 89/388/CEE, lists the chemical substances in each category of nutritional substances (vitamins, minerals and amino acids) that may be added for specific nutritional purposes in foodstuffs for particular nutritional uses. Further info is available on FAS/USEU website: http://www.useu.be/agri/partnutr.html.

D. Wine, Beer & Other Alcoholic Beverages http://www.useu.be/agri/wine.html Wine labeling rules are laid down in Annex VII to Council Regulation 1493/1999, the EU's basic wine regulation. Commission Regulation 753/2002 lays down rules for applying the provisions contained in regulation 1493/1999, which relate to the description, designation, presentation and protection of certain wine sector products.

In March 2006, the U.S. and the EU and the U.S. signed the <u>"Agreement between the United States and the European Community on Trade in Wine"</u>. This Agreement is the first phase and addresses a number of issues, such as labeling and certification. Other important issues such as geographical indications will be addressed in a second phase of the negotiations. The Agreement covers wine with an actual alcohol content of not less than 7% and not more

than 22%. All U.S. wine imports must be accompanied by a certification document using the format specified in Annex III(a) to the Agreement. The Agreement's "Protocol on Wine Labeling" sets conditions for the use of optional particulars on wine labels. For more information please view the FAIRS report produced by USEU (E47056).

E. Organic Foods

http://www.useu.be/agri/organic.html

<u>Council Regulation 2092/91</u> on organic products covers the following requirements and definitions:

- -production and processing methods
- -labeling and marketing
- -inspection
- -imports from third countries

It was supplemented by <u>Regulation 1804/99</u> to include livestock production. The term "organic" may only be used for product conforming to these regulations. The translation of the term "organic" in the 20 official EU languages can be found under article 2 of Regulation 2092/91.

While organic standards have been set at the EU level, implementation and enforcement of the regulation is the responsibility of the individual member states. This member state responsibility also extends to imports of organic products. For the importation of organic products from outside the EU, the Belgian importer needs an import authorization. Requesting and processing of an import authorization is handled by both Ecocert (http://www.ecocert.be/) and Integra (http://www.blik.be/). More information on the organic market can be found at GAIN Report NL6024.

F. Vertical Legislation

http://www.useu.be/agri/vertic.html

Products covered by vertical legislation are:

- -Cocoa and chocolate products Directive 2000/36/EC
- -Sugars <u>Directive 2001/111/EC</u>
- -Honey Directive 2001/110/EC
- -Fruit juices and similar products Directive 2001/112/EC
- -Preserved milk Basic Directive: 1976/118/EC
- -Coffee extracts and chicory extracts Directive 1999/4/EC, Directive 2001/54/EC
- -Fruit jam, jellies, marmalades, and chestnut puree <u>Directive 2001/113/EC</u> (amended by Directive 2004/84/EC

G. Fruit and Vegetables

http://www.useu.be/agri/Fruit-Veg.html

Imports into the EU of fresh fruit and vegetables are checked for compliance with EU-harmonized marketing standards. These standards apply at all marketing stages and include criteria such as quality, size, labeling, packaging and presentation.

H. Seafood

http://www.useu.be/agri/seafood2.html

Fishery and aquaculture products offered for retail sale in the EU must be properly labeled providing the following information:

- Commercial name of the species (each member state has established a list of commercial designations).
- Product method: "caught in...", "caught in freshwater", "farmed" or "cultivated".
- Catch area: for products caught at sea, a reference to one of the areas listed in the annex. For products caught in freshwater, a reference to the country of origin; for farmed products, a reference to the country in which the product undergoes the final development stage. Operators may indicate a more precise catch area. To improve the traceability and control at all marketing stages from the ship to the shop the

information concerning the commercial designation, the production method and the catch area for all fishery and aquaculture products must be provided either on the label, on the packaging or by means of a commercial document accompanying the goods (e.g. the invoice).

Detailed information on exporting U.S. seafood to the EU is available in the February 2007 update of the "How to export seafood to the European Union" guide which can be downloaded from

http://www.nmfs.noaa.gov/sfa/PartnershipsCommunications/tradecommercial/documents/eucontents.pdf

J. Animal Products

Specific detailed inspection requirements exist for animal products (Directive 1997/78/EC and Regulation 2004/853/EC). An important requirement is that official marks and health marks identifying the country and establishment of origin are present on the packaging and conform to those on the certificate. The list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and the list of animals and animal products that are subject to controls at border inspection posts can be accessed through our website at http://useu.usmission.gov/agri/borderposts.html. For more information see also: EU Guide - Imports of live animals & animal products from third countries.

K. Petfood

http://www.useu.be/agri/petfood.html

All pet food imported from the U.S. into the European Union has to meet requirements relating mainly to health and labeling aspects. These requirements are generally harmonized throughout the 25 EU member states but they are scattered over different pieces of EU legislation.

Section VIII. Copyright and/or Trademark Laws

Copyright

http://www.useu.be/agri/commu.html

Belgium and the U.S. are both members of the Universal Copyright Convention of Geneva. As a consequence, the copyright of works by U.S. authors, copyrighted in the U.S., is also protected in Belgium.

Trademarks

http://www.useu.be/agri/commu.html

Trademark registration in Belgium is based on Benelux legislation. Registration can be obtained for all 3 Benelux countries (Belgium, Netherlands and Luxembourg) through one process. Applications for trademark registration in the Benelux can be sent to:

Benelux Merkenbureau (Benelux Trademark Office), Bordewijklaan 15, 2591 XR The Hague (Den Haag), The Netherlands, Tel. +31-(0)70-3491111

Fax +31-(0)70-3475708 E-mail: info@bmb-bbm.org

In the Benelux countries, an international trademark can also be registered, as regulated by the Treaty of Madrid. This trademark offers protection in all nine EU countries that signed the convention.

Since 1996, it has been possible to register Community trademarks in the European Union. The Community trademark was created by Council Regulation 40/94 and implemented by Commission Regulation 2868/95. This regulation creates a single, unitary registration system covering the whole Community territory. An application for a Community trademark is filed either directly at the Harmonization Office or at a national industrial property office in a member state of the European Union.

Office for Harmonization in the Internal Market Avenida de Aguilera, 20 03080 Alicante Spain

Tel: +34-(0)96-5139333 Fax: +34-(0)96-5131344

Protected Geographical Indications

Geographical indications (GIs) are "indications which identify a good where a given quality, reputation or characteristic of the good is essentially attributable to its geographic origin". Guidelines for the registration of GIs by third country producers have been published on the Commission's website at

http://ec.europa.eu/agriculture/foodqual/protec/thirdcountries/proced_en.pdf.

The complete list of registered product names that receive protection in the EU can be found at http://ec.europa.eu/agriculture/qual/en/1bbaa_en.htm.

Section IX. Import Procedures

http://www.useu.be/agri/import.html

http://www.useu.be/agri/customs.html

http://www.useu.be/agri/tarreduc.html

http://www.useu.be/agri/taric.html

Council Regulation 2913/92 establishes the Community Customs Code. The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With the implementation of the Code, the 25 member states of the European Union form a customs union, meaning that all member states apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one member state, it can move freely throughout the EU.

A list of VAT rates applicable in the different member states can be found on the Internet at: EUROPA - Taxation and Customs Union / Taxation and Customs Union

Customs Clearance

Belgian importers customarily handle all import procedures. Goods can only be cleared if the required shipping documents are available and relevant costs (custom duty, taxes) are paid. Clearance is carried out by the Belgian customs. Some U.S. products may require import licenses or health certificates, as outlined in Section VI. More info on the Belgian customs offices can be obtained at the webpage http://www.fiscus.fgov.be or from:

Administratie der douane en accijnzen North Galaxy Koning Albert II laan 33 B - 1030 Brussel

Phone: +32 (0) 257 62111

The entire customs clearance procedure is rapid, provided the U.S. exporter has furnished all necessary documentation. Also, it is recommended that the exporter be fully aware of the necessary shipping documents required for their product. As this information is not readily available, exporters should contact their importer or the USDA Office of Agricultural Affairs in The Hague to obtain this information.

Office of Agricultural Affairs

U.S. Embassy Lange Voorhout 102 2514 EJ The Hague

Tel: +31-(0)70-3102299 Fax: +31-(0)70-3657681 Email: agthehague@usda.gov

APPENDIX 1. GOVERNMENT REGULATORY AGENCY CONTACTS

1) All Belgian legislation is published in the Belgian official journal "Het Belgisch Staatsblad"/"Le Moniteur Belge". This journal is edited by the Federal Public Service Justice and can be consulted on-line at www.staatsblad.be or <a h

Federal Public Service Justice Information officer: Nathalie Leclercq Waterloolaan 115, B-1000 Brussels

Tel: +32-(0)2-5427164 Fax: +32-(0)2-5427039 E-mail: info@just.fgov.be

www.just.fgov.be

2) All Belgian food legislation is collected and available as a paid subscription on CD-rom by a specialized publisher, Die Keure N.V.

Die Keure N.V. Oude Gentweg 108, B-8000 Brugge

Tel: +32-(0)50-471272 Fax: +32-(0)50-335154

e-mail: freddy.dhooge@diekeure.be

www.diekeure.be

3) European legislation can be found at:

http://europe.eu.int/eur-lex/en/search/search_lif.html

4) Belgian food legislation is updated by the Federal Public Service Public Health

Federal Public Service Public Health DG Animals, Plants and Food Victor Hortaplein, 40 bus 10 B-1060 Brussel

Tel: +32-(0)2-5248502 Email: apf.dg@health.fgov.be http://www.health.fgov.be/

5) Enforcement of food legislation and inspections, both veterinary and food, are the competence of the Federal Agency for the Safety of the Food Chain (FAVV)

Federal Agency for the Safety of the Food Chain (FAVV) WTC III, 2de verdieping Simon Bolivarlaan 30 B-1000 Brussel

Tel: +32-(0)2-2083411 Email: Info@favv.be http://www.favv.be/ 6) Belgian Customs Administratie der douane en accijnzen North Galaxy Koning Albert II laan 33 B - 1030 Brussel Phone: +32 (0) 257 62111

APPENDIX 2. OTHER IMPORT SPECIALIST CONTACT

1) The Belgian federation of importers and distributors:

FEDIS

Sint-Bernardusstraat 60,

B-1010 Brussels

Tel: +32-(0)2-5373060 Fax: +32-(0)2-5394026 Email: info@fedis.be

www.fedis.be

2) The Belgian federation of food distribution

Belgafood

Sint-Bernardusstraat 60,

B-1010 Brussels

Tel: +32-(0)2-5373060 Fax: +32-(0)2-5394026 Email: belga@fedis.be

3) Organic certification in Belgium is carried out by two certification bodies:

ECOCERT Belgium BLIK vzw

Av. de l'Escrime 85 Schermlaan Statiestraat 164a B-1150 Bruxelles – Brussel B-2600 Berchem

Tel: +32-(0)81-600377 Tel: +32-(0)3-2873750 Fax: +32-(0)81-600313 Fax: +32-(0)3-2873751 E-mail: info@ecocert.be Email: info@blik.be

www.ecocert.be www.blik.be

4) For information on other federations, i.e. food industry federations, please contact the Office of Agricultural Affairs at the U.S. Embassy in The Hague

Lange Voorhout 102 2514 EJ The Hague Tel: +31-(0)70-3102299 Fax: +31-(0)70-3657681

Fax: +31-(0)/0-365/681 Email: agthehague@usda.gov